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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,872	08/30/2001	Robert R. Wampler	38190/233787	9504
826	7590	04/01/2005	EXAMINER	
ALSTON & BIRD LLP BANK OF AMERICA PLAZA 101 SOUTH TRYON STREET, SUITE 4000 CHARLOTTE, NC 28280-4000			PEREZ DAPLE, AARON C	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 04/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/942,872

Applicant(s)

WAMPLER, ROBERT R.

Examiner

Aaron C Perez-Daple

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Action is in response to Amendment filed 10/19/04, which has been fully considered.
2. Amended claims 1-21 are presented for examination.
3. This Action is Final.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. **Claims 1-21** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1, 8 and 15 further recite the limitation, “the electronic simulation information is otherwise capable of being used to verify operation of the at least one motion device produced by a set of operation information.” It is not clear to the Examiner what conditions are represented by “otherwise.” In other words, it is not clear when precisely the step of verifying operation of the at least one motion device would be performed. Furthermore, it is not clear in what capacity the electronic simulation is used to enable this simulation. For the purpose of applying prior art, the Examiner interprets that any teaching of using simulation information for verifying operation of the at least one motion device is sufficient to meet this limitation of the claims.
6. As dependent claims, claims 2-7, 9-14 and 16-21 suffer from the same deficiencies as claims 1, 8 and 15.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 1-21** are rejected under 35 U.S.C. 102(b) as being anticipated by Taylor et al.

(US 5,991,528).

9. As for claim 8, Taylor discloses a system, a method, and a computer program product for controlling the operation of at least one motion device comprising at least one controllable element, said system comprising:

a setup component (Expert System 100, Fig. 2) capable of extracting process information from electronic simulation information (MGDF 80, Fig. 2), wherein the electronic simulation information is representative of information regarding the at least one motion device and, when the at least one motion device is configured to operate on at least one object (col. 6, line 66 – col. 7, line 12), wherein the electronic simulation information is otherwise capable of being used to verify operation of the at least one motion device produced by a set of operation information (col. 7, lines 13-19), wherein said setup component is further capable of formatting the process information into neutral process information (process data file 104, Fig. 2), wherein the neutral process information is in a format independent of a format of the electronic simulation information (col. 7, line 60 – col. 8, line 16); and

at least one motion command component (motion/process data generation programs 110, Fig. 2), capable of receiving the neutral process information from said setup component, wherein each motion command component is associated with at least one motion device, wherein each motion command component is capable of interpreting the received neutral process information into operation information for the at least one controllable element of each respective motion device, wherein the operation information depends on a type of the at least one motion device, and wherein each motion command component is further capable of distributing the operation information to the at least one controllable element of each respective motion device to thereby control the operation of the respective motion devices (col. 8, lines 17-36; Figs. 1 and 2).

10. Claims 1 and 15 are subject to the same limitations as claim 8, therefore the same rejections apply.
11. As for claim 9, Taylor discloses, a system according to claim 8, wherein the at least one motion device comprises a plurality of motion devices, said setup component is capable of interpreting the neutral process information into operation information specific to the type of each of the plurality of motion devices, and wherein each motion command component is capable of distributing the operation information to the at least one controllable element of each respective motion device of the plurality of motion devices (col. 7, line 36 - col. 8, line 36, "Expert system 100...control system 24.").
12. Claims 2 and 16 are subject to the same limitations as claim 9, therefore the same rejections apply.

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13. As for claim 10, Taylor discloses a system according to claim 8, wherein the electronic simulation information comprises electronic simulation information in at least one format (inherent), and wherein said setup component is capable of formatting the process information extracted from the electronic simulation information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").
14. Claims 3 and 17 are subject to the same limitations as claim 10, therefore the same rejections apply.
15. As for claim 11, Taylor discloses a system according to claim 11, wherein the at least one motion device operates according to operation information in the at least one format, and wherein each motion command component is capable of interpreting the neutral process information into operation information in the format of each respective motion device (col. 8, lines 17-36, "Motion/process data...control system 24.").
16. Claims 4 and 18 are subject to the same limitations as claim 11, therefore the same rejections apply.
17. As for claim 12, Taylor discloses a system according to claim 8, wherein the electronic simulation information comprises electronic simulation information in at least one format, wherein the at least one motion device operates according to operation information in at least one format, wherein said setup component is capable of formatting the process information extracted from the electronic simulation information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information, and wherein each motion command component is capable of interpreting the neutral process

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information into operation information in the format of each respective motion device (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").

18. Claims 5 and 19 are subject to the same limitations as claim 12, therefore the same rejections apply.

19. As for claim 13, Taylor discloses a system according to claim 12, wherein said setup component is capable of formatting the process information into the neutral process information in a neutral format independent of the at least one format of the electronic simulation information, and further independent of the at least one format of the operation information of the at least one motion device (col. 7, line 36 - col. 8, line 16, "Expert system 100...data file 104.").

20. Claims 6 and 20 are subject to the same limitations as claim 13, therefore the same rejections apply.

21. As for claim 14, Taylor discloses a system according to claim 8, wherein the at least one motion device comprises at least one machine tool (machine tools 30, Fig. 1), and wherein each motion command component is capable of distributing the operation information to each respective machine tool to thereby control the operation of the respective machine tools (col. 8, lines 17-36, "Motion/process data...control system 24.").

22. Claims 7 and 21 are subject to the same limitations as claim 13, therefore the same rejections apply.

Response to Arguments

112 Claim Rejections

23. The Examiner respectfully disagrees that the limitation “the electronic simulation information is otherwise capable of being used to verify operation of the at least one motion device produced by a set of operation information,” is clear as recited. In the second full paragraph of page 11 of the Remarks filed 10/19/04, Applicant clarifies that the electronic simulation information “enables a setup component to verify operation of the motion device.” However, this limitation is not found in the claims, and therefore the point is moot.

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24. On page 12 of the Remarks filed 10/19/04, Applicant asserts that Taylor fails to teach or suggest “extracting process information from electronic simulation information, the process information thereafter being formatted, interpreted and distributed as operation information to control motion device(s).” The Examiner respectfully disagrees. In fact, the Examiner finds that the claims are so broad that there are multiple interpretations of the Taylor reference which meet the claims. A first interpretation has been laid out in additional detail in the 102 rejection of claims 1, 8 and 15 above. Specifically, the Examiner interprets that the setup component corresponds to the expert system 100; the electronic simulation information corresponds to the MGDF 80; the neutral process information corresponds to the process data file (note that process information must inherently be extracted first in order to provide this file); and the motion command component(s) correspond to the motion/process data generation programs.

Under a second interpretation of the Taylor reference, the electronic simulation information may be interpreted as being contained in spreadsheet program 60, spreadsheet data files 62, drawing database 64, engineering design program 66, and MGDF Generation Program 70, Fig. 2. The MGDF program 80 may be interpreted as the process information, and the process data file 104 may be interpreted as the neutral process data file. Under this interpretation, the setup component would correspond to the MDGF Generation program 70 and Expert System 100, Fig. 2.

Thus, under either interpretation, Taylor properly anticipates all the limitations of claims 1-21, which are properly rejected under 35 USC 102(b).

Conclusion

25. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron C Perez-Daple whose telephone number is (571) 272-3974. The examiner can normally be reached on 9am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

 3/23/05

Aaron Perez-Daple

